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LAW

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The Clerk of Court is respectfully directed to close the letter motions at Docket Nos. 60 and 63. To the extent there are any remaining disputes regarding the depositions of treating physicians, the parties shall, by **October 2, 2020**, meet and confer to try to resolve those disputes and jointly file a one-page letter apprising the Court of any outstanding disputes.

**Via ECF filing**

The Honorable Lorna G. Schofield  
United States District Court, SDNY **So Ordered.**  
500 Pearl Street  
New York, NY 10007

**Dated: September 30, 2020**  
**New York, New York**

**RE: Powers v. Memorial Sloan Kettering Cancer Center**  
**Case no. 1:20-cv-02625-LGS**

LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Dear Judge Schofield:

I represent Plaintiff in the above referenced matter. I believe Defense Counsel sent her letter regarding expert disclosures prematurely and due to a miscommunication between the parties. Plaintiffs agreed to serve Defendants with disclosures that comply with Fed. R. Civ. Pro. 26(a)(2)(B) before defense counsel sent its preconference letter. I did not see the letter to the Court yesterday because I was observing Yom Kippur and had turned off all electronic communication in observance of the holiday.

Prior to the Court issuing its Memo Endorsement Order today, Ms. Baydala and I conferred by phone and I clarified Plaintiff's intention to serve disclosures in advance of each treating physician's deposition regarding the subject areas of the testimony Plaintiff intends to elicit. I do not know what opinions the treating physicians may have (as I would in the case of a retained expert) because their institutions (Oregon Health Science University and Memorial Sloan Kettering) have refused to allow me to interview these witnesses in advance for that purpose. Nevertheless, I assured defense counsel that I will provide the disclosures she requested.

Based on Plaintiff's intention to serve Rule 26(a)(2)(B) disclosures for the treating physicians Plaintiff will depose, I believe the issues raised by Defense Counsel's letter are now moot. I regret the miscommunication and the delay that occurred advising the Court of as much.

Respectfully Submitted,  
HENDLER FLORES LAW, PLLC

A handwritten signature in black ink, appearing to read 'Scott M. Hendler'.

Scott M. Hendler – *Pro Hac Vice*



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